

DATE: August 24, 2005

TO: Municipal Clerk

FROM: Byron E. Johnson, C.P.M.
Procurement - X4313

THRU: Rachel Johnson
Clerk Typist II – X4162

Please place the following item on the **CONSENT** agenda for the Council Meeting of
SEPTEMBER 6, 2005

Bid No: 2005-131 Vista Del Valle Park Jogging Path
Location: 9031 Viscount, El Paso, Texas 79925
Contractor: Texas Concrete & Asphalt, Inc.
El Paso, Texas

Department: Parks Department
Funds Available: 51159242-31130500-PPW0046005A-16130-26269-508027
Funding Source: 2000 Quality of Life Bond and Parks & Recreation Revenues
Items: Base Bid \$ 215,000.00
Alternate 1 \$ 90,000.00
Alternate 2 \$ 50,000.00

Total Award: \$ 355,000.00
Estimated Completion Date: December, 2005
Districts: 2

The Departments of Engineering and Parks and Recreation, recommend the award of this contract to Texas Concrete & Asphalt, Inc. the low responsible, responsive bidder. It is requested that the Manager of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Contact Person: Byron Johnson, C.P.M., Procurement at 541-4313

AGENDA FOR: SEPTEMBER 6, 2005

CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Purchasing
AGENDA DATE: September 6, 2005

CONTACT PERSON/PHONE: Byron Johnson, Director of Purchasing (X4313)
DISTRICT(S) AFFECTED: 2
PROJECT NAME/SOLICITATION NO. Vista Del Valle Park Jogging Path, Solicitation No. 2005-131

SUBJECT:

Award Bid for the construction of Vista Del Valle Park Jogging Path (Solicitation No. 2005-131) to Texas Concrete & Asphalt, Inc. in the amount of \$ 355,000.00 (Base Bid and Alternates #1 and #2), as per recommendations from the Departments of Parks & Recreation and Engineering. Texas Concrete & Asphalt, Inc. is the lowest responsible, responsive Bidder. It is requested that the City Manager be authorized to sign the referenced contract. The estimated completion due date based on a construction time limit of 90 days will be December 2005.

BACKGROUND / DISCUSSION:

Bid Tabulation, Proposal Form and departmental recommendations are attached as back up to the agenda item.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

This project is funded by the 2000 QOL and Parks and Recreation Revenues. Funding is available in 51159242-31130500-PPW0046005A-16130-26269-508027. A budget transfer is not necessary at this time.

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____ **DATE:** _____

CONSTRUCTION PROJECT FORM
Lump Sum

DATE: August 24, 2005
PROJECT: Vista Del Valle Park Jogging Path
BID NO: 2005-131
ACCOUNT NO: 51159242-31130500-PPW0046005A-16130-26269-508027
FUNDING SOURCE: 2000 QOL Bond Issue and Parks & Recreation Revenues
DEPARTMENT: Parks Department
REPRESENTATIVE DISTRICT(S): 2

AGENDA DATE: September 6, 2005 **Lowest responsive and responsible bidder**
CONTRACTOR: Texas Concrete & Asphalt, Inc.

AMOUNT: \$ 355,000.00

The Departments of Engineering and Parks and Recreation, recommend the award of this contract to Texas Concrete & Asphalt, Inc. the low responsible, responsive bidder. It is requested that the Manager of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

DESCRIPTION OR EXPLANATION:

Base Bid	\$ 215,000.00	Alternate No. 1	\$ 90,000.00
Alternate No. 2	\$ 50,000.00		

TOTAL RECOMMENDED AWARD: \$ 355,000.00

TIME FOR COMPLETION: 90 Consecutive Calendar Days

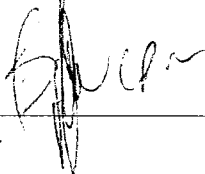
LIQUIDATED DAMAGES: \$ 750.00/Consecutive Calendar Day

FUNDS: Available _____ Not Available _____ Comptroller _____

BOARD: Approved _____ Rejected _____ City Clerk _____ Date _____

APPROVED:

Byron E. Johnson, C.P.M.
Director of Purchasing



DATE: August 24, 2005

TO: Municipal Clerk

FROM: Byron E. Johnson, C.P.M.
Director of Purchasing - X4313

THRU: Aurora Wells
Interim Bid Clerk, 4038

Please place the following item on the CONSENT agenda for the Council Meeting of September 6, 2005

Bid No. 2005-131 Vista Del Valle Park Jogging Path
9031 Viscount, El Paso, Texas 79925

Contractor: Texas Concrete & Asphalt, Inc.
El Paso, Texas

Department: Parks Department

Funds Available: 51159242-31130500-PPW0046005A-16130-26269-508027

Funding Source: 2000 Quality of Life Bond and Parks & Recreation Revenues

Items:	Base Bid	\$ 215,000.00	Alternate 1	\$ 90,000.00
	Alternate 2	\$ 50,000.00		

Total Award: \$ 355,000.00

Estimated Construction Due Date will be December, 2005

Districts: 2

The Departments of Engineering and Parks and Recreation, recommend the award of this contract to Texas Concrete & Asphalt, Inc. the low responsible, responsive bidder. It is requested that the Manager of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Contact Person: Byron Johnson, X4313

AGENDA FOR: September 6, 2005

CITY OF EL PASO BID TABULATION

BID ITEM: VISTA DEL VALLE PARK JOGGING PATH
 BID DATE: AUGUST 17, 2005

BID # 2005-131
 DEPARTMENT: PARKS

	F. T. JAMES CONSTRUCTION, INC. EL PASO, TEXAS	J & J GENERAL CONTRACTING, INC. EL PASO, TEXAS	TEXAS CONCRETE AND ASPHALT, INC. EL PASO, TEXAS			
DESCRIPTION	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL
BASE BID 1	\$398,444.00	\$278,490.83	\$215,000.00			
ALTERNATE NO. 1	\$141,111.00	\$164,320.08	\$90,000.00			
ALTERNATE NO. 2	\$48,333.00	\$46,032.00	\$50,000.00			
SUM TOTAL BASE BID 1, AND ALTERNATE #1, AND # 2	\$587,888.00	\$488,842.91	\$355,000.00	\$0.00	\$0.00	\$0.00
AMENDMENTS ACKNOWLEDGED	NONE ISSUED	NONE ISSUED	NONE ISSUED			
BID BOND SUBMITTED	YES	YES	YES			

CHECKED BY: Michael W. Rln 8.18.05

City of El Paso
Vista Del Valle Park Jogging Path

Scope of Work
Solicitation No. 2005-131

BASE BID I: Jogging Path.

Add jogging / walking path and concrete curbing around perimeter of park.
Base Bid will consist of a jogging path approximately 8'-0" wide with drainage of +/- 1% to the park side of the path. The construction materials will consist of asphalt paving on 6" base material and concrete edge on all sides. The area between the path and street will be screened and a weed barrier is to be provided.

Alternate No. 1: Irrigation System Improvements.

Completion of 1/3 of the Park irrigation system, pump station, pump enclosure, backflow device and enclosures.

Alternate No. 2: Irrigation System Improvements.

Completion of the entire park irrigation system.

The above is a general overview of the work required; the contractor shall review the Contract Documents for complete information regarding this project.

PROPOSAL
City of El Paso

TO THE HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO
EL PASO, TEXAS

Ladies and Gentlemen:

The undersigned having familiarized themselves with the local conditions affecting the cost of work and with the Contract documents consisting of Invitation to Bid, Instructions to Bidders, General Conditions, the Contractor's Proposal, Special Bid Conditions, Applicable Wage Rates, the Contract Form, plans, specifications, drawings, and addenda on file in the office of the Purchasing Department of the City of El Paso, hereby propose to perform everything required to be performed and to provide furnish and install all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services, and to complete in a workmanlike manner all the work required for the

Vista Del Valle Park Jogging Path

Solicitation No. 2005-131

Within the specified limits and in accordance with the plans, including Addenda numbers:

AT THE FOLLOWING LUMP SUM:

BASE BID I: Jogging Path.

The undersigned agrees to perform all of the work required for the total amount of:

cc

\$ 215,000

ALTERNATE NO. 1: Irrigation System Improvements.

The undersigned agrees to perform all of the work required for a total amount of:

cc

\$ 90,000

COMPANY NAME: Texas Concrete & Asphalt, Inc

BIDDER'S SIGNATURE: [Signature]

ALTERNATE BID NO. 2: Irrigation System Improvements.

The undersigned agrees to perform all of the work required for the total amount of:

\$ 50,000 ⁰⁰

SUM TOTAL OF BASE BID AND ALTERNATE BID NO's 1 AND 2.

\$ 355,000 ⁰⁰

COMPANY NAME: Texas Concrete & Asphalt, Inc
BIDDER'S SIGNATURE: [Signature]

CONTRACT TIME AND LIQUIDATED DAMAGES

The undersigned Bidder agrees to commence work on a date to be specified in a written Notice to Proceed and to substantially complete the work on which he/she has bid within **Ninety (90) CONSECUTIVE CALENDAR DAYS**. Bidder agrees to pay as liquidated damages the sum of **Seven Hundred and Fifty Dollars (\$750.00)** for each consecutive calendar day thereafter as provided in paragraph 6.8 of the General Conditions of the Contract.

PROPOSAL

Enclosed with this proposal is a certified check or bid bond for five percent (5%) of the TOTAL bid price including base bid(s) and alternate(s) which is agreed shall be collected and retained by the owner(s) as liquidated damages in the event this proposal is accepted by the Owner within sixty (60) consecutive calendar days after the date advised for the reception of bids and the undersigned fails to execute the contract and the required performance and payment bonds with the Owner within fourteen (14) consecutive calendar days after the date said proposal is accepted; otherwise, the said bid security shall be returned to the undersigned upon demand.

THE UNDERSIGNED BIDDER REPRESENTS TO THE CITY AND TO THE OTHER BIDDERS THAT HIS/HER BID, AND THE ESTIMATES ON WHICH IT IS BASED, HAS BEEN CAREFULLY CHECKED AND CONTAINS NO ERRORS, AND NOTHING HAS BEEN OMITTED OR OVERLOOKED IN DETERMINING THE AMOUNTS BID.

BIDDER'S NAME: Sixas Concrete & Asphalt, Inc.

BY: [Signature]
Signature

8-16-2005
Date

Hector Hinojos Vice President
Signer's name & title

Physical Address of Business – if different from above

City, State, Zip Code

IF THE BIDDER BE A CORPORATION, THE FOLLOWING CERTIFICATE SHOULD BE EXECUTED:

I, Yolanda Arriaga, certify that I am the Sixas Concrete & Asphalt, Inc Secretary of the corporation named as Bidder hereinabove; that Hector Hinojos, who signed the foregoing contract on behalf of the Bidder, was then Vice President of said corporation; that said proposal was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Yolanda Arriaga
CORPORATE SECRETARY SIGNATURE AND CORPORATE SEAL

THE STATE OF TEXAS }
COUNTY OF EL PASO }

SURETY'S NO.

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that TEXAS CONCRETE & ASPHALT, INC.
(hereinafter called the Principal), as Principal, and MID-CONTINENT CASUALTY COMPANY
as Surety, are hereby held and firmly bound unto THE CITY OF EL PASO, as Owner, in the penal sum of
FIVE PERCENT (5%) OF AMOUNT BID
for the payment of which, well and truly to be made, we
hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

SIGNED, this 10TH day of AUGUST, 2005

The conditions of the above obligation are such that whereas the Principal has submitted to the City of El Paso a certain bid, attached hereto and hereby made a part hereof, to enter into a contract in writing for the Vista Del Valle Park Jogging Path, Solicitation No 2005-131.

NOW, THEREFORE,

- a) If said bid shall be rejected, or in the alternate,
- b) If said bid shall be accepted and within fourteen (14) consecutive calendar days after the Principal has received notice of his acceptance, the Principal shall properly complete, execute, and deliver insurance certificates and a contract in the form approved by the Owner and shall furnish a bond for his faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said Bid, then this obligation shall be void; otherwise the same shall remain in force and effect, it being expressly understood and agree that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation, as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the OWNER MAY ACCEPT such bid, such extension to be upon notice to the Surety by the Principal.

IN WITNESS, WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

TEXAS CONCRETE & ASPHALT, INC.
Principal • Company Name

[Signature] (Seal)
Signed by (Principal Agent)

Heather Hinojosa
Principal Agent's Name (Printed or Typed)

City, State, Zip Code

MID-CONTINENT CASUALTY COMPANY
Surety • Company Name

[Signature] (Seal)
Signed by (Surety Agent)

ANNA F BOYLES
Surety Agent's Name (Printed or Typed)

Address

TULSA OK 74119
City, State, Zip Code

Telephone No.

MID-CONTINENT CASUALTY COMPANY
Tulsa, Oklahoma

Know all Men by these presents: That the MID-CONTINENT CASUALTY COMPANY, a corporation of the State of Oklahoma, having its principal office in the city of Tulsa, Oklahoma, pursuant to the following By-Law, which was adopted by the Stockholders of the said Company on March 13th, 1947, to-wit:

"Article IV, Section 7. -- The Executive Officers of the Company shall have power and authority to appoint, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one more Resident Vice President, Resident Assistant Secretaries and Attorneys-in-Fact and at any time to remove any such Resident Vice President, Resident Assistant Secretary, or Attorney-in-Fact and revoke the power and authority given him. None of such appointees need be Directors of the Company."

The Company does hereby constitute and appoint Anna F. Boyles and Bobby J Boyles, individually
of EL PASO, TX

its true and lawful attorney(s)-in-fact, to execute, seal and deliver for and on its behalf as Surety, and as its act and deed.

Any and all bonds and undertakings of Suretyship

And the execution of such instrument(s) in pursuance of these presents: shall be as binding upon the said MID-CONTINENT CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office in Tulsa, Oklahoma.

IN WITNESS WHEREOF,
presents this 06

MID-CONTINENT CASUALTY COMPANY
day of October

has executed and attested these
, 2003

ATTEST:

Sara Anderson

SARA ANDERSON

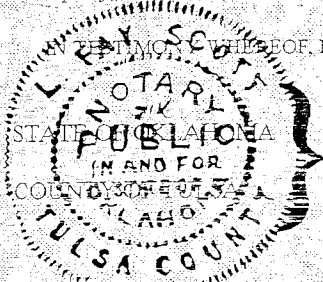
ASSISTANT SECRETARY

Todd Bazata

TODD BAZATA

VICE PRESIDENT

On this 06 day of October, 2003 before me, a Notary Public of the State of Oklahoma in and for the County of Tulsa, came the individual to me personally known to be the officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, said that he is the therein described and authorized officer of the MID-CONTINENT CASUALTY COMPANY aforesaid, and that the seal affixed to the preceding instrument is the corporate of said Company, and the said corporate seal and his signature as such officer were duly affixed to the said instrument by the authority and direction of the said Company, and that Article IV, Section 7, of the By-Laws of said Company, referred to in the preceding instrument, is now in force.



SS

Commission # 00018867

My Commission expires 11-14-04

L. Fay Scott

L. FAY SCOTT

Notary Public

I, SARA ANDERSON Assistant Secretary of MID-CONTINENT CASUALTY COMPANY do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

This certifies that any facsimile or mechanically-produced signature of any officer of the Company and Company seal, wherever appearing upon a power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 10th

day of

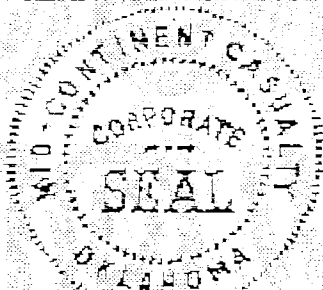
AUGUST

2003

Sara Anderson

SARA ANDERSON

Assistant Secretary




CERTIFICATION OF NONCOLLUSION

PROJECT: Vista Del Valle Park Jogging Path

SOLICITATION NO: 2005-131

The bidder, being sworn, deposes and says, Jexas Concrete & Asphalt Inc., the contractor, submitting this bid, and that its agents, officers or employers have not directly or indirectly entered into any agreements, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal or with any City official.



Signature

Vice President

Title

8-16-2005

Date

SUPPLEMENTAL BIDDER INFORMATION

Part I

PROJECT NAME: Vista Del Valle Park Jogging Path

SOLICITATION No. 2005-131

1. The legal name and the business address of the bidder are:

Hingos Concrete Specialties, Inc. D/B/A Jupas
Concrete & Asphalt, Inc.

2. The bidder is:

☐ A Single Proprietorship

☒ A Corporation

☐ A Limited Partnership

☐ A Joint Venture

Organized in the County of EI PASO, State of Texas
(Name of State)

3. Race or ethnic group designation of bidder. Enter race or ethnic group in the appropriate line:

☐ Black

☒ Hispanic

☐ Oriental

☐ American Indian

☐ Eskimo

☐ Aleut

☐ White

☐ Pacific Islander

4. The name, title and address of the owner, partner, or officers of the bidder are:

NAME	TITLE	ADDRESS
<u>Yolanda Hingos</u>	<u>President</u>	
<u>Hector Hingos</u>	<u>Vice President</u>	
<u>Yolanda Hingos</u>	<u>Secretary</u>	

5. The names and addresses of all other persons, both natural and corporate, having a substantial interest in the bidder, and the nature of the interest are:

6. The names, addresses and trade classifications of all other building construction contractors in which the bidder has a substantial interest are:

NAME	TITLE	TRADE CLASSIFICATION
_____	_____	_____
_____	_____	_____

SUPPLEMENTAL BIDDER INFORMATION
PART II

SUBCONTRACTOR AND/OR SUPPLIER IDENTIFICATION

Vista Del Valle Park Jogging Path,

SOLICITATION NO. 2005-131

BIDDER: Verlas Concrete & Asphalt, Inc

The Bidder shall indicate below the name of each subcontractor and/or supplier the bidder will use in the performance of the contract. The Bidder shall specify the work to be performed by the subcontractor or the materials to be provided by the supplier, the amount of the subcontract or purchase order, and the percentage of the contract the Bidder will expand throughout the life of the project. **Any changes in subcontractor and/or supplier listed below shall require additional approval prior to contract execution.**

Name & Address	Service / Supplies	S Value	% of Contract
Cemex	Gravel, Concrete	40,000 ⁰⁰	17 %
D & C Truck	Tractor Supplies	50,000 ⁰⁰	14 %
T & T Staff	Labor	70,000 ⁰⁰	20 %

TOTAL:

160,000⁰⁰ 45 %
(Dollars) (% of Contract)

SUPPLEMENTAL BIDDERS INFORMATION
PART III

STATEMENT OF INCORPORATED MATERIALS

Vista Del Valle Park Jogging Path,

SOLICITATION NO. 2005-131 BIDDER: Lucas Concrete & Asphalt, Inc

The State of Texas requires a "separated contract" for tax exemption purposes. This format complies with this requirement.

The amounts entered for base bids, alternates and unit prices are the agreed contract prices for incorporated materials.

Base Bids:

Base Bid \$ 215,000⁰⁰

Alternates:

Alternate No. 1 \$ 90,000⁰⁰

Alternate No. 2 \$ 50,000⁰⁰

CITY OF EL PASO, TEXAS
PARKS AND RECREATION DEPARTMENT

2 Civic Center Plaza, 6th Floor
El Paso, Texas 79901-1196
Tel: (915) 541-4331 Fax: (915) 541-4355

TO: Roberto Bustamante, Purchasing

FROM: Richard Garcia, Park Operations Manager

THROUGH: Norman C. Merrifield, Parks Department

DATE: August 23, 2005

CC: Javier Reyes, Engineering Program Manager
Rick Talamo



SUBJECT: Vista Del Valle Park Jogging Path, Solicitation No. 2005-131

We recommend that Texas Concrete & Asphalt Inc. of El Paso, Texas, the apparent low bidder, be awarded the project as follows:

Base Bid I	\$ 215,000.00
Alternate 1	\$ 90,000.00
Alternate 2	\$ 50,000.00

Sum Total Base Bid & Alt 1 & 2 \$ 355,000.00

RECEIVED
AUG 24 2005
CITY OF EL PASO
CONSTRUCTION BIDDING



ENGINEERING DEPARTMENT

Excellence through Teamwork

Memorandum

TO: Michael W. Plum
Administrative Analyst

FROM: Javier Reyes, P. E.
Engineering Design Manager

DATE: August 26, 2005

SUBJECT: **Vista Del Valle Jogging Path- Bid Recommendation**

We recommend that project "Vista Del Valle Jogging Path" be awarded to "Texas Concrete & Asphalt, Inc." as the lowest responsive bidder.

The awarded contract should consist of Base Bid I, Alternate 1 & Alternate 2 as follows:

Base Bid I: \$ 215,000.00

Alternate 1: \$ 90,000.00

Alternate 2: \$ 50,000.00

Total Bid \$ 355,000.00

If you need additional information, please give me a call at extension 4630.
Thanks.

RECEIVED

AUG 26 2005

CITY OF EL PASO
CONSTRUCTION BIDDING